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November 6, 2015

**VIA E-MAIL TRANSMISSION
AND ECF FILING**

The Honorable Robert E. Gerber
United States Bankruptcy Judge
United States Bankruptcy Court
Southern District of New York
Alexander Hamilton Custom House
One Bowling Green
New York, New York 10004

**Re: In re Motors Liquidation Company, *et al.*
Case No. 09-50026 (REG)**

Letter Regarding Update on Related Proceedings

Dear Judge Gerber:

King & Spalding LLP is co-counsel with Kirkland & Ellis LLP for General Motors LLC (“**New GM**”) in the above-referenced matter. Pursuant to Your Honor’s Endorsed Order dated May 5, 2015 [Dkt. No. 13131], we write to update the Court regarding developments in proceedings relating to New GM. Specifically, today, November 6, 2015, counsel to New GM and Lead and Liaison Counsel filed a joint letter (“**Joint Letter**”) addressed to Judge Furman to advise on matters of possible significance in proceedings related to MDL 2543, which includes an update on the status of this bankruptcy case. A copy of the Joint Letter, without exhibits,¹ is attached hereto.

Respectfully submitted,

/s/ Scott Davidson

Scott Davidson

¹ There are 14 exhibits annexed to the Joint Letter, many of which are documents that have previously been filed with this Court; the other documents do not appear relevant to this bankruptcy case. To the extent the Court believes the exhibits should be filed, New GM will do so promptly.

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SD/hs
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November 6, 2015

The Honorable Jesse M. Furman
United States District Court for the
Southern District of New York
500 Pearl Street
New York, NY 10007

**Re: In re: General Motors LLC Ignition Switch Litigation,
14-MD-2543 (JMF)**

Dear Judge Furman:

Pursuant to this Court's Order No. 8 § V, Lead and Liaison Counsel and counsel for General Motors LLC ("New GM") submit this joint written update to advise the Court of matters of possible significance in proceedings related to MDL 2543.

First, on November 2, 2015, the Second Circuit granted plaintiffs' motion to expedite proceedings in the appeal of the Bankruptcy Court's April 15, 2015 Decision, and June 1, 2015 Judgment. A copy of the order is attached hereto as Exhibit 1. The order sets briefing to close on February 22, 2016, with oral argument to be heard as early as the week of March 14, 2016.

Second, on October 30, 2015, the court entered an order granting plaintiffs' motion to compel discovery and reserving decision on plaintiffs' motion for sanctions against New GM in *Prospere, et al. v. Michelin N.A., Inc., et al.*, No. 12-CA-045273 (Brevard County, Fla.), a Category III personal injury action¹ alleging handling and crashworthiness design defects in a 2002 Chevrolet TrailBlazer, which was a subject of the parties' September 11, 2015 joint letter to the Court (*see* Doc. No. 1360). A copy of the order is attached hereto as Exhibit 2. The order permits plaintiffs to re-open New GM's corporate representative deposition, including using the Valukas Report as background on questions of safety. New GM intends to seek reconsideration of the *Prospere* court's order. The parties will keep this Court apprised of developments in *Prospere* that may interfere with or infringe upon this Court's exercise of jurisdiction over discovery issues addressed in the MDL.

¹ See Order No. 16, Doc. No. 316 (defining Category III actions as "'unrelated' actions seeking ignition switch-related discovery")

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Third, on October 20, 2015, the MDL 2543 Coordination Order (“Coordination Order”) was entered in *Helms v. Gen. Motors LLC, et al.*, No. 2014841 (Stanislaus County, Cal.), a personal injury action alleging defects in a 2008 Chevrolet HHR. A copy of the order is attached hereto as Exhibit 3.

Fourth, on November 3, 2015, the Coordination Order was entered in *Jarvis, et al. v. Gen. Motors LLC, et al.*, No. 15-003241-NP (Macomb County, Mich.), a personal injury action alleging a key rotation defect in a 2009 Chevrolet Impala. A copy of the order is attached hereto as Exhibit 4.

Fifth, on September 17, 2015, the Coordination Order in *Polanco, et al. v. Gen. Motors LLC, et al.*, No. CIVRS1200622 (San Bernardino County, Cal.), a wrongful death action alleging ignition switch defects in a 2006 Chevrolet Cobalt. A copy of the order is attached hereto as Exhibit 5.

Sixth, on November 4, 2015, the parties filed a proposed order granting plaintiff a 30-day extension to file a motion to withdraw from MDL coordination in *Cimaglia v. Royal Pontiac Buick GMC Inc., et al.*, No. MER-L-2890-10 (Mercer County, N.J.), which was a subject of the parties’ October 8, 2015 joint letter to the Court (*see* Doc. No. 1468). A copy of the proposed order is attached hereto as Exhibit 6. Plaintiff has made New GM aware of concerns regarding coordination of case-specific discovery with MDL discovery. New GM and Federal/State Liaison Counsel will continue to work to facilitate coordination and will apprise the Court of further developments in *Cimaglia*.

Seventh, on November 2, 2015, the court entered a bellwether trial scheduling order in the Texas MDL, No. 2014-51871 (Harris County, Tex.). A copy of the order is attached hereto as Exhibit 7.

Eighth, on **December 2, 2015**, the Honorable Linda Morrissey will hear argument on New GM’s motion for a protective order or, in the alternative, entry of the Coordination Order in *Ibarra v. Gen. Motors LLC, et al.* No. CJ-2014-01391 (Tulsa County, Okla.), a Category III wrongful death action alleging airbag, seat belt, and structural defects in a 2006 Chevrolet Impala, which was a subject of the parties’ August 27, 2015 joint letter to the Court (*see* Doc. No. 1292).

Ninth, in addition to the Second Circuit’s grant of expedited appeal proceedings noted above, the following filings were made and orders entered with respect to the Bankruptcy Court proceedings since the parties’ October 23, 2015 joint letter to the Court (*see* Doc. No. 1547):

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- October 23, 2015: New GM filed a letter with the Bankruptcy Court advising it of proceedings in this Court and the Second Circuit related to the bankruptcy proceedings.
- October 27, 2015: The Bankruptcy Court entered an Order on its October 14, 2015 Bench Decision and Order regarding plaintiffs' request for stay of GUC Trust distributions pending appeal of the Bankruptcy Court's April 15, 2015 Decision, and June 1, 2015 Judgment. Plaintiffs filed a motion for reconsideration of same, which the Bankruptcy Court denied on October 28, 2015.
- October 30, 2015: New GM filed a letter brief and highlighted complaints identifying claims and allegations barred by the Sale Order in the *Bledsoe, Elliott, and Sesay* Complaints.
- November 3, 2015: New GM filed a letter with the Bankruptcy Court advising it of proceedings in the the Second Circuit related to the bankruptcy proceedings.

Copies of the foregoing documents are attached hereto as Exhibits 8–13, respectively.

Tenth, pursuant to Order No. 1 § X.8, the Defendants' July 21, 2014 Status Letter (Doc. No. 73) included an Exhibit A listing cases consolidated to date in MDL 2543, as well as an Exhibit B listing related cases pending in state and federal court, together with their current status. For the Court's convenience, updated versions of Exhibits A and B are attached hereto as Exhibit 14.

Finally, the parties continue to work to ensure that the Court is provided with current and correct contact information for presiding judges in actions listed in the aforementioned Exhibit B. To that end, the Federal/State Liaison Counsel will submit shortly to the Court updates to the e-mail addresses of the presiding judges in Related Actions.

Respectfully submitted,

/s/ Richard C. Godfrey, P.C.

/s/ Andrew B. Bloomer, P.C.

Counsel for Defendant General Motors LLC

cc: The Honorable Robert E. Gerber
MDL Counsel of Record